



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3443 OF 2024

1. ANIL PANDURANG GUNJOTE
2. AYODHYA ANIL GUNJOTE
3. AMRAPALI SOMNATH SURVASE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Patne Santosh N.

APP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 2 : Mr. Hajare Abhishek Madhukar

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CORAM : RAJNISH R. VYAS, J.

DATE : 02nd APRIL, 2026

PER COURT :

1. Original accused nos. 2 to 4 have invoked inherent jurisdiction of this Court, praying for quashment of FIR No. 177/2024, dated 22.05.2024, for the commission of the offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code, as well as Regular Criminal Case No. 1083/2024, pending before 9th Joint Additional Chief Judicial Magistrate, Latur and the order taking cognizance dated 12.07.2024.

2. The FIR is lodged by Shital Amerdeep Gunjote who has stated that her marriage was performed on 06.01.2013, in which, an amount of Rs. 2,51,000/- and the gold of 11 Tolas were given by her parents. She was blessed with two children. She stated that initially for

six months, she was treated properly by the husband and in-laws but the comments were passed by the accused persons on the count that due respect was not paid to them in the marriage. She was also given stale food and was not permitted to talk on the telephone with the parents and relatives. Ill-treatment was also meted out by the accused persons by suspecting the character of non-applicant no. 2 and to bring an amount of Rs. 25 Lakhs for employment.

3. It was the case of non-applicant no. 2 that she did not report the aforesaid act/conduct under the impression that the relationship would improve over time. According to her, in the month of April, 2021, she along with her husband shifted to Pune and one month, thereafter, the in-laws also came to reside with them. Non-applicant no. 2 was again subjected to ill-treatment at the hands of accused persons.

4. On 31.12.2023, her husband had abused her so also assaulted and, thereafter, from 01.01.2024, non-applicant no. 2 was driven out from the matrimonial house. Since then non-applicant no. 2 was residing at parents' place. It was alleged in the FIR that on 17.01.2024, all the persons came to non-applicant no. 2's parents' house at about 7 'O' clock in the evening and questioned as to why non-applicant no. 2 has come to her parents' place. Thereafter she was abused,

assaulted by means of blows and was also threatened. Two children of non-applicant no. 2 were forcibly taken by them.

5. It is alleged in the FIR after few days again accused persons came and minor son was dropped at non-applicant no. 2's parents' place. On 12.03.2024, the accused persons again came at non-applicant no. 2's parents' place and abused as well as assaulted her and took minor son with them. They also threatened that unless and until amount of Rs. 25 Lakhs is given, she would not be permitted to reside. It is in this background, criminal law was set in motion.

6. Learned counsel for the applicants submitted that as far as the allegations against the present applicants are concerned, same are not enough to attract the ingredients of offence registered. He further submitted that on 12.03.2024, the last incident had taken place and the FIR was lodged on 22.05.2024. He submitted that an omnibus and general statement would not be enough to permit the prosecution to proceed against the present applicants. He, therefore, prayed for quashment of FIR and consequent, the criminal proceedings.

7. Per Contra, learned counsel for non-applicant no. 2 informant has contended that the conduct of the applicants are blameworthy. They have taken minor children with them and though

there is an order passed by the court of competent jurisdiction to hand over the custody of the children to non-applicant no. 2, same has not been complied with by the present applicants. There is enough material to prosecute the applicants. Thus, he prayed for dismissal of an application.

8. At the outset, it is necessary to mention here that since learned counsel for non-applicant informant has stated that applicants have not complied with the order passed by the court of competent jurisdiction directing them to handover the custody of the children, both the counsels were directed to take necessary instructions from the clients as to whether any appeal was filed by the applicants challenging the aforesaid order and any interim relief is granted. The matter was then kept after sometime. Both the counsels fairly submitted that the stay to the order directing handing over of custody of the son by the applicants to non- applicant no. 2 / informant is stayed and the appeal is still not decided.

9. In the aforesaid background, commenting anything on that aspect would not be proper. So far as the allegations against the present applicants are concerned, the FIR shows that the applicants have demanded amount of Rs. 25 lakhs from non-applicant no. 2 /informant and on that count, they used to ill-treat non-applicant no. 2. Incidents

dated 31.12.2023 and 01.01.2024 are also tried to be encashed by non-applicant no. 2/ informant in order to show that enough material is available against the applicants. The incident dated 31.12.2023, pertains to abuse and assault given by the husband. In an incident dated 01.01.2024, non-applicant no. 2 was driven out along with the children. Both the said incidences assign a specific role and blames the husband and not the present applicants. The omnibus statement that the present applicants used to ill-treat non-applicant no. 2 by passing comment and giving her stale food, in peculiar facts and circumstances would not be enough to permit the prosecution to proceed against the present applicants. The allegations, so far as present applicants are concerned, are bereft of any specific details. The statements recorded by the Investigating Officer during the course of investigation of mother of non-applicant no. 2 as well as father of non-applicant no. 2 and brother of the non-applicant no. 2, narrate the same version. The material produced on record is not enough to show that, *prima facie*, case is made against present applicants. In that view of the matter, I am inclined to pass the following order :

ORDER

- i. Criminal Application is allowed.
- ii. The FIR No. 177/2024, dated 22.05.2024, for the

commission of the offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code, as well as Regular Criminal Case No. 1083/2024, pending before 9th Joint Additional Chief Judicial Magistrate, Latur and the order taking cognizance dated 12.07.2024, qua present applicants, are quashed.

(RAJNISH R. VYAS, J.)

SPC